

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, September 26, 2006

9:00 A.M.

**Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawaii**

AGENDA

Call to Order

Approval of the Agenda

Minutes – Meeting of August 8, 2006

A. GENERAL BUSINESS MATTERS

1. Request for two year time extension to commence construction for Special Management Area Use Permit SMA(U)-2005-6, Use Permit U-2005-5, Variance Permit V-2005-2 and Class IV Zoning Permit Z-IV-2005-6, I Pali Kai Cottages, Nawiliwili, Kauai, Tax Map Key 3-5-2: 37 = ***Kamal Salibi***.
2. Request to modify Variance Permit V-2002-5 and Class IV Zoning Permit Z-IV-2002-10 to permit co-location on an existing telecommunications facility located in Niumalu-Nawiliwili, Tax Map Key 3-3-003: 8 = ***Coral Wireless II, LLC***.
3. Request to modify Variance Permit V-2002-2 and Class IV Zoning Permit Z-IV-2002-5 to permit co-location on an existing telecommunications monopole facility located in Puhī, Tax Map Key 3-3-011: por. 2 = ***Coral Wireless II, LLC***.
4. Request to modify Variance Permit V-2002-1 and Class IV Zoning Permit Z-IV-2002-3 to permit co-location on an existing water tank serving as a telecommunications facility located in Kapaa Homesteads, Tax Map Key 4-6-037: 53 = ***Coral Wireless II, LLC***.

B. COMMUNICATION

1. Request for Park Fee Credit for Private Recreational Area pursuant to Kauai County Code Section 9-2, 8(f), for Project Development Use Permit P.D. U-2004-26 and Class IV Zoning Permit Z-IV-2004-27, Princeville, Tax Map Key 5-4-5: 24 = ***Nihilani Group, LLC***.
2. Letter (9/18/06) from State Department of Transportation, providing amended State Highway requirements of Condition 15 for the proposed renovation and development for Special Management Area Use Permit SMA(U)-2005-1, Project Development Use Permit U-2005-4, Use Permit U-2005-6, Variance Permit V-2005-1, and Class IV Zoning Permit Z-IV-2005-5, Wailua, Tax Map Key 4-1-003: Por. 4, 5, 17, 11 and 4-1-005: 14 & 17 = ***Coco Palms, LLC***.

C. SUBDIVISION - Action on subdivision matters listed in the Subdivision Committee Agenda (attached).

D. UNFINISHED BUSINESS

1. Use Permit U-2006-16, Project Development Use Permit P.D. U-2006-17 and Class IV Zoning Permit Z-IV-2006-22 = *Koloa Marketplace, LLC*. (To allow the development of a 76,000 s.f. retail shopping and office complex and the relocation of the Koloa Post Office, Koloa.) [Hearing continued 1/24/06, continued 3/14/06, continued 4/25/06, closed 6/13/06.]
 - a. Letter (6/26/06) from Rick Haviland, in support of application.
 - b. Letter (7/31/06) from Louis Abrams, President, Koloa Community Association, providing comments on application after General Business Meeting with Koloa Marketplace, LLC, as requested by Planning Commission.
 - c. Letter (6/12/06) from Robert J. Schleck, in opposition to development on either side of Koloa’s main street.
 - d. Letter (6/15/06) from Moana Kinimaka Palama, clarifying her position with the Koloa Community Association.
2. Zoning Amendment ZA-2006-7 = *County of Kauai, Planning Commission*. (To consider amendments to the Comprehensive Zoning Ordinance (CZO) being proposed by the County of Kauai to establish regulations relating to Transient Vacation Rentals (TVR) and Bed and Breakfast (B&B) operations. [Hearing continued 5/23/06, continued 6/27/06, closed 8/8/06.]
3. Special Management Area Use Permit SMA(U)-2006-14 = *Darcy McCartney*. (To allow the construction of four (4) single family dwellings, Waipouli, Tax Map Key 4-3-7: 8.) [Hearing closed 8/8/06.]

E. PUBLIC HEARING (1:30 P.M. OR SHORTLY THEREAFTER)

1. Continued Public Hearing:

- a. Use Permit U-2007-1, Special Permit SP-2007-1 and Class IV Zoning Permit Z-IV-2007-1 = *Kauai Springs, Inc.* (For a spring water bottling facility, Koloa, Tax Map Key 2-8-2: por. 5.) [Hearing continued 8/8/06.]
 1. List of names of persons (Petition -108 pages, 135 signatures) who have no objections to the subject permit:

| | | |
|-----------------------|---------------------|-------------------------|
| Rod Eastery | Cindra Manera | Jason McMurray |
| Martie Law | Mike Kelling | Jordon Kenney |
| Keala Nordmeier | Vincent K. Taylor | Michele L. Taylor |
| Terry Sullivan | Mark Gonzales | Alouette Iddings |
| Hannibal K. Huihui | Diana M. Huihui | Kayla J. Huihui |
| Nadia A. Badua | Denise Graham | Jill Faloon |
| Norma Jean Hall | Ashleigh Bennett | Cherie Haffner |
| Cliff Sorensen | Maryke Kelling | Catherine Liddle |
| Damon C. Liddle | Arlene L. Kuapahi | Valerie J. Parker |
| Carol Caspillo | Derek Pellon | Elliott Galaza |
| Elizabeth Clase | Gerardo Mararagan | Maile Telles |
| Keahi Felix | Bob Zauner | Randy Yokoyama |
| Lee Apao | Ronny Kimatt | Clayton Falvey |
| Gladys Brodtkin | Nancy Reed | Fred P. Toper |
| Lanae Nakamura | Lyle Bargamento | Martin Waldman |
| Colette Correa | Robin Lyons | James Piretti |
| Bradford Lundquet | Dustin Strathon | S. M. Woolway |
| Bruce Grantham | Malie de la Cruz | Robert Hallman |
| Bruce Baumgartner | Mahealani Sarmiento | Dan Shook |
| Eric Torgerson | Emerita Sarmiento | Brenda D. Alayvilla |
| Robert A. McKinley | Winnifred Millar | Michelle Lewis |
| Bridget Donnelly | Pamela Kruse | David Brune |
| Deborah Jacintho | Karen Klock | Colette I. Baldwin |
| Terry, Katrina Parish | Suzette M. Kane | Trinette P. Kau |
| Tom H. Shigemoto | Bill P. Kane | James D. Hasenyager |
| Rochard Powers | Valerie Owen | Faith Hardinez |
| Glenn Asmus | Chris Jaeb | Divina Rich |
| Crystal Perry | Jonathan Epstein | Donna Apilado-Schumacer |

E. PUBLIC HEARING (1:30 P.M. OR SHORTLY THEREAFTER)

1. Continued Public Hearing: (Cont'd)

- a. Use Permit U-2007-1, Special Permit SP-2007-1 and Class IV Zoning Permit Z-IV-2007-1 = ***Kauai Springs, Inc.*** (Cont'd)
1. List of names of persons (Petition -108 pages, 135 signatures) who have no objections to the subject permit: (Cont'd)
- | | | |
|---------------------|--------------------|-----------------------------|
| Doreen P. Koorn | Ginger Saflor | Levi Saflor |
| Loretta Apilado | Jeanne Sperry | Gina Perez |
| C.E. Lanphier | Joe LaMore | Ruben J. Rea |
| William A. S. Akana | Crystal Walters | Joshua Walters |
| Ibbie White | JoAnn Dilconando | Amy Boyd |
| Scott Helber | Randy Riggan | Sandy Salmers |
| Ann Mendivil | Christine Aquino | Blake Salmers |
| Miles Lahr | Jaime Nakamura | Tita Moises |
| Gayle Medeiros | Nancy R. Peterson | Daln Spore |
| Tessie Spore | Roger Kinnaman | Rhiyani Hill |
| Raymond Miller | Latifa Amdur | Lida S. Martin |
| Dora Kawate | Peggy Roberts | Linda Sedley |
| Robert French | Cathy Hensley | Arvin P. Montgomery |
| Debi Leyva | Ronald Lee Heller | Yolanda Agena |
| Joycelyn Abreu | Mike Lynch | Teddi Eggo |
| Rob Lazedell | Maria/Keith Hacker | Shelley Cox Kaholo Cappelli |
| Mark Sorisner | Amy Melsness | |
2. Letter (7/31/06) from Tom Shigemoto, Vice President, A & B Properties, Inc., in support.
3. Letter (7/27/06) from Bill P. Kane and Suzette M. Kane, in support.
- b. Variance Permit V-2007-1 Use Permit U-2007-4 and Class IV Zoning Permit Z-IV-2007-4 = ***Koloa Missionary Church.*** (To allow the demolition and reconstruction of the Koloa Missionary Church consisting of a new sanctuary, fellowship hall, classrooms, and office space, Koloa, Tax Map Key 2-8-10: 64.)
1. Letter (9/19/06) from Jonathan Chun, Esq., requesting a two week continuance of the public hearing to the October 10, 2006 meeting.

2. New Public Hearing:

- a. Zoning Amendment ZA-2007-1 - Request to amend Condition #3(t) of Ordinance No. PM-2001-356 (Bill No. 2004, Draft 2), A Bill for an Ordinance Amending Chapter 8, Kauai County Code 1987, Relating to Zoning Designation in Makaweli, Kauai, Hawaii = ***Kapalawai***, to extend the time period to complete substantial construction from five (5) years to (6) years, Tax Map Key 1-7-05: 1.
- b. Special Management Area Use Permit SMA(U)-2007-2 = ***State of Hawaii, Department of Land and Natural Resources, Engineering Division.*** (To allow the demolition and reconstruction of a public comfort station, Haena State Park, Tax Map Key 5-9-08: por. 1.)
1. Petition for Intervention (9/19/06) from Noah Kaaumoana-Teixeira.
2. Petition for Intervention (9/19/06) from Kaimi Hermosura.
3. Petition for Intervention (9/19/06) from Aloysius Kahimoku Chandler.
4. Petition for Intervention (9/19/06) from Jeffery Chandler.
5. Petition for Intervention (9/19/06) from Chandler Forrest.
6. Letter (9/19/06) from Makaala Kaaumoana, Vice Chair, Hui Hoomalu I ka Aina, on behalf of its members, comprised of families and other traditional practitioners from the ahupuaa of Haena, supports the petitions for interventions.

E. PUBLIC HEARING (1:30 P.M. OR SHORTLY THEREAFTER) (Cont'd)

2. New Public Hearing: (Cont'd)

- c. Use Permit U-2007-3 and Class IV Zoning Permit Z-IV-2007-3 = ***Bali Hai Villas, Ltd., Partnership.*** (To allow construction of a public restaurant facility, providing interior and exterior lanai dining areas that will allow a maximum seating capacity of 96 patrons, Princeville, Tax Map Key 5-4-05: 36.
 1. Letter (9/19/06) from Michael J. Belles, withdrawing application.
 2. Letter (9/18/06) from Evelyn and Bob Apte, in opposition of application.
 3. Letter (9/18/06) from JoAnne Pinney, voicing her view as a public witness to this application.
 4. Letter (9/18/06) from Michael Winneguth (14A); Cheryl Rogers (11E); Gary O'Connor Grace (13A), Judy and David Krill (8F); Jim and Dixie Winebrenner (10G); Mya and Bob Beckley (9F); Donald Brungard (11C); Dean Judd (11H); and Bob Burke (11A), opposed to application.
 5. Letter (undated) from Sandhya King, expressing anticipated impacts by proposed development.

F. NEW BUSINESS

1. Use Permit U-2007-1, Special Permit SP-2007-1 and Class IV Zoning Permit Z-IV-2007-1 = ***Kauai Springs, Inc.***
2. Variance Permit V-2007-1 Use Permit U-2007-4 and Class IV Zoning Permit Z-IV-2007-4 = ***Koloa Missionary Church.***
3. Ordinance No. PM-2001-356 (Bill No. 2004, Draft 2) = ***Kapalawai.***
4. Special Management Area Use Permit SMA(U)-2007-2 = ***State of Hawaii, Department of Land and Natural Resources, Engineering Division.***
5. Use Permit U-2007-3 and Class IV Zoning Permit Z-IV-2007-3 = ***Bali Hai Villas, Ltd., Partnership. WITHDRAWN***

G. ADJOURNMENT

EXECUTIVE SESSION: Pursuant to Hawaii Revised Statutes ("H.R.S.) Section 92-7(a), the Planning Commission may, when deemed necessary, hold an executive session on an agenda item without prior written public notice if the executive session was not anticipated in advance. Such executive session shall be held pursuant to HRS Section 92-4 and shall be limited to those items described in HRS Section 92-5(a).

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-6677.